

**Notice of Allowability**

Application No.

09/473,383

Applicant(s)

Morea et al.

Examiner

O'Connor

Art Unit

3627

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to September 27, 2005.
2. ☒ The allowed claim(s) is/are 26-44, 46, and 53-55.
3. ☒ The drawings filed on December 28, 1999 & November 8, 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 6.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Allowable Subject Matter*

1. The following is an examiner's statement of reasons for allowance:

The closest prior art, Zirkel (US 6,135,349), discloses a system and method for enabling a merchant to apply for a merchant account (a credit card processing account) by using browser software on a client computer connected to a server computer by means of the Internet.

However, under 35 U.S.C. 103(c), the Zirkel reference was removed as prior art due to applicant's statement regarding common ownership at the time of the invention.

The next closest prior art, the closest valid prior art, Henson, discloses a method for online shopping for a PC (Dell Computer) that includes configuring the PC with various hardware and software options. However, Henson fails to disclose or fairly suggest, either alone or in combination with any other known reference, the combination of:

- (A) online shopping/selecting by a merchant for point-of-sale terminal systems/hardware;
- (B) online applying for a merchant account that will enable the merchant to process/accept credit card transactions using the point-of sale hardware; and,
- (C) automatically loading the merchant account settings of the merchant account onto the point-of-sale terminal/hardware so as to enable the merchant to be able to use the terminal/hardware with the merchant account without having to configure or load the account settings/configuration on the terminal/hardware manually.

2. Any comments considered necessary by applicant must be submitted no later than payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to the disclosure:

- Myatt et al. (US 5,231,569) discloses an account transaction system;
- Kannady et al. (US 5,263,164) discloses a method and structure for determining transaction system hardware and software configurations;
- Groves et al. (US 5,321,243) discloses a card reader apparatus with read head mounting structure and card guide;
- Nair et al. (US 5,479,530) discloses a signature capturing merchant terminal;
- Hills et al. (US 5,484,988) discloses a checkwriting point of sale system;
- O'Connor (US 5,894,571) discloses a process for configuring software in a build-to-order computer system;
- Blinn et al. (US 5,897,622) discloses an electronic shopping/merchandising system;
- Zirkel (US 6,135,349) discloses a system and method for enabling a merchant to apply for a credit card processing account using the internet;
- Henson (US 6,167,383) discloses a method and apparatus for providing customer configured machines at an internet site;

- Atkins et al. (US 6,182,212) discloses a method and system for automated migration of user settings to a replacement computer system;
- Selitrennikoff et al. (US 6,209,089) discloses a correcting system for changed client machine hardware using a server-based operating system;
- Arrouye et al. (US 6,256,635) discloses a method and apparatus for configuring a computer using scripting;
- Leary (US 6,425,133) discloses a method for configuring cable television converter terminal using multiple channels and arrangement therefor;
- Eynon et al. (US 6,714,937) discloses a system and method for virtual setup and configuration for a build-to-order computer;
- Kuwamoto et al. (JP 11-272,762) discloses a point-of-sale controller system;
- Concord (“Concord Claims Maryland Market a Monopoly Game”) discloses distributing point-of-sale terminals for use with a merchant account;
- Murphy (“Ring Up Profits for your Clients and Firm!”) discloses selling a POS terminal system;
- Broome (“Reduce Cash Handling with POS Debit Cards”) discloses contacting a bank to acquire a POS merchant account; and,
- Beyond.com (“Beyond.com now Selling Atomic Software’s Authorizer Payment Software”) discloses downloading and installing/loading merchant account processing software onto deployed point-of-sale terminals.

4. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, **Jerry O'Connor**, whose telephone number is **(571) 272-6787**, and whose facsimile number is **(571) 273-6787**.

The examiner can normally be reached weekdays from 9:30 to 6:00.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mr. Alexander Kalinowski, can be reached at **(571) 272-6771**.

Official replies to this Office action may be submitted by any *one* of fax, mail, or hand delivery. **Faxed replies are preferred and should be directed to (571) 273-8300**. Mailed replies should be addressed to "Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450." Hand delivered replies should be delivered to the "Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314."

GJOC

September 30, 2005



9/30/05

Gerald J. O'Connor  
Primary Examiner  
Group Art Unit 3627